OPINION 1090

GAMMARUS SETOSUS DEMENTIEVA, 1931 (CRUSTACEA, AMPHIPODA) CONSERVED UNDER THE PLENARY POWERS

RULING.- (1) Under the plenary powers the specific name *spetsbergensis* Vosseler, 1889, as published in the binomen *Gammarus spetsbergensis*, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The specific name *setosus* Dementieva, 1931, as published in the binomen *Gammarus setosus*, is hereby placed on the Official List of Specific Names in Zoology with the Name Number 2613.

(3) The specific name *spetsbergensis* Vosseler, 1889, as published in the binomen *Gammarus spetsbergensis*, and as suppressed under the plenary powers in (1) above, is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology with the Name Number 1019.

HISTORY OF THE CASE Z.N.(S.) 2015

An application for the conservation of *Gammarus setosus* Dementieva, 1931, was first received from Dr N.L. Tzvetkova *(Academy of Sciences, Leningrad)* on 13 July 1972. It was sent to the printer on 20 September 1972 and published on 6 July 1973 on pages 47-48 of vol. 30 of the *Bulletin of Zoological Nomenclature.* Public notice of the possible use of the plenary powers in the case was given in the same part of the *Bulletin* as well as to the prescribed serials (Constitution Art. 12b) and to one specialist serial. The application was supported by Professor E.F. Gurjanova and Dr Y.I. Starobogatov *(Academy of Sciences, Leningrad)*, by Dr J.H. Stock *(Amsterdam University)* and by Dr K. Jazdzewski *(Lodz University, Poland).*

On 4 October 1974 the applicant was asked to provide the references required to establish a *prima facie* case under Article 79b for the conservation of *Gammarus setosus* Dementieva, 1931. She provided the following (out of a possible list of 36 works by 23 authors):

GURJANOVA, E.F., 1935 *Zoogeographica* Band 2 Heft 4: 559 (Jena, Gustav Fischer); 1951 *Opred. Fauna SSSR:* 763, fig. 530

STEPHENSEN, K., 1940a, *Zoology Iceland,* vol. 3(26): 56; 1940b, *Tromsø Mus. Skr.* vol. 3(3): 321, fig. 41; 1944, *Medd. om Grønland,* vol. 121 (14): 109, fig. 8

DAHL, E., 1944, *K. fysiogr. Sällsk. Lund Förh.*, vol. 14 (9): 111
SEGERSTRAALE, S.G., 1947, *J. mar. biol. Ass. U.K.*, vol. 27 (1): 240, fig. 7c, d; 1948, *Commentat. biol.* vol. 10 (6): 5
DUNBAR, M.J., 1954, *J. Fish. Res. Bd Canada* vol. 2 (6): 769
BOUSFIELD, E.L., 1956, *Ann. Rep. nat. Mus. Canada, Bull.* 142: 138; 1958, *Proc. Nova Scotian Inst. Sci.*, vol. 24 (3): 321; 1973, *Shallow-water gammaridean Amphipoda of New England* (Ithaca and London): 50, pl.1
BARNARD, J.L. 1958, *Occ. Papers Allan Hancock Fdn*, vol. 19: 54
OLDEVIG, H., 1959, *Göteborgs k. Vetensk. o vitterh. Samh. Handl.* (B), F6, vol. 8 (2): 94
SHOEMAKER, C.R., 1965, *Smiths. misc. Colls.* vol. 128 (1): 47
STEELE, V.J., 1967, *Nature* vol. 214 (5092): 1034
STEELE, V.J. & STEELE, D.H., 1970, *Can. J. Zool.*, vol. 48 (4): 659
TZVETKOVA, N.L., 1968, *Zool. Zh.*, vol. 47 (2): 1640; 1972, *Trudy zool. Inst. Leningrad*, vol. 51: 208, 213, fig. 2.

DECISION OF THE COMMISSION

On 8 November 1974 the members of the Commission were invited to vote on Voting Paper (74)29 for or against the proposals set out in *Bull. Zool. Nomencl.* vol. 30: 48. At the close of the voting period on 8 February 1975 the state of the voting was as follows:

Affirmative Votes - fifteen (15), received in the following order: Melville, Vokes, Holthuis, Lemche, Simpson, Willink, Eisenmann, Mayr, Starobogatov, Binder, Bayer, Corliss, Heppell, Ride, Habe

Negative Votes - seven (7), received in the following order: Alvarado, Rohdendorf, Sabrosky, Tortonese, Dupuis, Nye, Bernardi

Leave of Absence: Brinck

No Voting Papers were returned by Dr. Kraus and Dr. Munroe. A late negative vote was returned by Professor Erben.

The following comments were sent in by members of the Commission with their voting papers:

Alvarado: In my opinion *G. spetsbergensis* is not a nomen oblitum.

Rohdendorf: I vote against because this case clearly indicates a simple disregard for the Law of Priority. I am not convinced by the applicant's arguments.

Sabrosky: The identity of *setosus* and *spetsbergensis* was clearly recognised by Stephensen (1940) and he should have adopted the latter name instead of *setosus*. I see no reason for validating his error and that of subsequent authors.

Dupuis. Il faut respecter la priorité, mais aussi tenir compte des hésitations des spécialistes sur le statut spécifique ou subspécifique de *setosus* et de la possibilité que *spetsbergensis* puisse représenter une forme écotypique. Supprimer le nom serait peut-être supprimer un fait.

Nye: *G. spetsbergensis* is the valid name for the species and should not be rejected in favour of a junior subjective synonym less than 50 years old. No information is given on what name was used for the species during the 25 years between 1906 and the erection of the junior synonym.

Bernardi: On ne peut que regretter que la synonymie correcte n'a pas été établie dès 1940 par Stephensen puisque l'identité de *spetsbergensis* et *setosus* était dès cette époque certaine.

In November 1976 I examined the file with a view to preparing an Opinion. In view of the fact that the two-thirds majority necessary to the plenary powers action requested had been gained by only one vote; and that this would not have been so had Professor Erben's negative vote been received in time (it was signed before the end of the voting period), I decided to consult the Council of the Commission before taking any further steps. I therefore wrote to them on 10 December 1976 and, having presented the above factual information and the comments of members of the Commission, I went on:

"First, the reason why no information was given on usage between 1906 and 1931 (Dr Nye's question) is that there was none. The species was simply not referred to in that period.

"It is only since Dementieva's description of *G. setosus,* and more particularly since Stephensen's monograph of 1940, that the species has been much noticed in the literature, and then under the name to which Stephensen lent his authority.

"Secondly, although Stephensen gave no reason for rejecting *G. spetsbergensis,* it is possible to make an intelligent guess at why he did so. Throughout his monograph he is careful to give accurate localities for his material. The type-locality of *G. spetsbergensis* is not known more nearly than 'Spitsbergen', and this vagueness may have been enough to cause Stephensen to refrain from using the name; for him, it was a nomen dubium from a geographical point of view. This would appear to dispose of Dr Dupuis's point that the name might one day be wanted for an ecotypic species, since the type-locality of such a species must be known with more precision than is the case with *G. spetsbergensis.*

"Thirdly, none of the three citations of *G. spetsbergensis* since its first publication ranks as a valid usage under Article 79b: Stebbing (1906) merely listed it; Stephensen (1940) treated it as invalid; and it was not valid for Barnard (1958). It is therefore *(pace* Dr Alvarado) truly an unused senior synonym of *G. setosus* and is meet for suppression under the current provisions of the Code.

"In addition to the above conclusions, Dr Lincoln *(British Museum, Natural History)* expressed the view that the fact that both Dr. Gurjanova and Dr Stock supported the application was of great significance for Amphipod workers.

Taking all the above into account, I see no reason either to re-open the case for suppression, or to publish a new proposal to give *G. spetsbergensis* the conditional protection of the 'relative precedence' procedure. I therefore seek the support of Council for issuing an Opinion giving effect to the result so narrowly reached in V.P. (74)29."

Of the members of Council, the President (Dr Ride) and Dr Sabrosky were in favour of publishing the Opinion; the Vice-President (Dr Holthuis) was in favour of re-submitting the case to the Commission. Dr Ride observed:

". . . there is no doubt that a *prima facie* case is made that stability is threatened. Unless the Commission accepts an argument that to take one of the actions which it may take in the last sentence of the proem to Article 79 would produce greater disturbance of stability or universality, or would cause more confusion, I consider that Article 23a-b makes it incumbent upon the Commission to suppress the unused name.

2. The two-thirds majority was achieved and no evidence is given that Dr Erben's vote was posted in time to reach the Secretariat by the closing date . . . Accordingly there is no evidence that his late negative note should be included.

3. The only other grounds upon which the Council might set aside the vote would be if one of the comments contained an argument that to set aside the senior synonym would produce greater disturbance of stability or universality, or cause confusion. I do not find any such argument.

4. I do not consider that there are grounds for the Secretary to re-open the case."

ORIGINAL REFERENCES

The following are the original references for names placed on an Official List and an Official Index by the ruling given in the present Opinion:

setosus, Gammarus, Dementieva, 1931, *Trans. State Oceanogr. Inst. Moscow,* vol. 1, issue 2-3: 74-82, figs. 7,8

spetsbergensis, Gammarus, Vosseler, 1889, *Arch. Naturges.,* vol. 55 (1), Heft 2: 158, pl. 8, figs. 25-31.

CERTIFICATE

I hereby certify that the votes cast on Voting Paper (76) 29 were cast as set out above, that the proposal contained in that voting paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the present Opinion No. 1090.

R.V. MELVILLE
Secretary
International Commission on Zoological Nomenclature
London
15 March 1977